

EXHIBIT E

C O N F I D E N T I A L

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re PETROBRAS SECURITIES LITIGATION

Case No.
14-cv-9662

This Document Applies to: All Cases

May 3, 2016
9:36 a.m.

Videotaped 30(b)(6) deposition of Petroleo Brasileiro S.A. by VAGNER SILVA DOS SANTOS, taken by Plaintiffs, pursuant to Notice, held at the offices of Pomerantz LLP, 600 Third Avenue, New York, New York, before Joseph R. Danyo, a Shorthand Reporter and Notary Public within and for the State of New York.

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2 actions or civil actions?

3 A. Those five?

4 Q. The five.

5 A. Plus this one are civil actions.

6 Q. Are there any criminal actions where
7 Petrobras is or has sought to serve as an assistant
8 to the prosecutor or does that not happen in
9 Brazil? I don't know.

10 A. Yes.

11 Q. Could you walk me through that, please.

12 A. Sure. So we have here some
13 cartel-related criminal actions against
14 individuals, and I must tell you that in Brazil
15 criminal lawsuits are only related to individuals.
16 Companies do not took part as defendants.

17 Q. Thank you. That is a helpful
18 clarification. My question is the criminal actions
19 that are brought by the MPF against individuals,
20 has Petrobras sought to be an assistant to the
21 prosecutor?

22 A. Yes.

23 Q. Can you describe what actions and when
24 Petrobras sought to serve as an assistant to the
25 prosecutor?

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2 A. What actions? What we did?

3 Q. If you could describe for me what
4 Petrobras has done in connection with serving as an
5 assistant to the prosecutor in criminal actions.

6 MS. BENSMAN: Are you asking for a list?

7 Q. A list in as much detail as you can
8 provide on each one that falls into the list, and
9 when I say detail, I mean when Petrobras sought to
10 serve as an assistant to the prosecutor.

11 A. Well, okay. We have cartel-related. We
12 have a first lawsuit. At that time the crime was
13 only money laundering, and to be honest, I don't
14 have here in that chart the date specifically.

15 Q. Did you say charge or chart?

16 A. Chart.

17 Q. Okay. Go ahead.

18 A. I don't have here the date we joined
19 these criminal proceedings. But I have here
20 another some details that I can --

21 Q. Please. It will move things along
22 frankly.

23 A. We have a second lawsuit.

24 Q. What was the first one?

25 A. That one regarding money laundering and

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2 contracts related to northeast refinery.

3 Q. Northeast refinery is the Abreu e Lima,
4 yes?

5 A. Yes.

6 Q. Who were the individuals that were the
7 defendants in this criminal action?

8 A. As far as I can recall, we have Paulo
9 Roberto Costa, Alberto Youssef, and those are the
10 two names that I can recall, but I am sure that
11 there are more individuals.

12 Q. Is there any more information about that
13 first criminal lawsuit, the one you have just
14 identified, in terms of what the allegations are in
15 that lawsuit?

16 A. Yes. The allegations basically is
17 related to a crime, money laundering. The MPF did
18 not specify an amount to be recovered to Petrobras.
19 Anyway, Sergio Moro awarded us an amount that
20 corresponds to the bribe paid through those
21 contracts mentioned in this lawsuit.

22 Q. What was the award, if you know?

23 A. How much?

24 Q. Yes, sir.

25 A. We have 18 million. Do you want by the

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2 cents?

3 Q. No.

4 MS. BENSMAN: Just to clarify, that is
5 reais?

6 THE WITNESS: That is reais.

7 Q. That is one action. Are there other
8 actions?

9 A. Yes.

10 Q. Before we go to the other actions, and I
11 know you don't have the date before you as to when
12 Petrobras joined that first action as an assistant
13 to the prosecutor, but do you have an approximate
14 date roughly speaking?

15 A. Yes. As far as I can remember, after
16 April of 2015 we started to file the petitions to
17 join as assistant to the prosecutors.

18 Q. What does that mean, to be an assistant
19 to the prosecutor?

20 A. That is statutory. The victim has this
21 right to join the federal prosecutor, because in
22 Brazil only prosecutors can bring a lawsuit. I
23 don't know here in the U.S., but in Petrobras only
24 federal prosecutors can bring criminal lawsuits,
25 especially in that kind of crime. So to the victim

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2 remains the role to be an assistant in order to
3 cooperate. Generally speaking, that is the role of
4 an assistant as the name says. We assist. We
5 cooperate with the prosecutors and to the judge to
6 know the truth. I mean that is our role.

7 Q. Do you work alongside of the prosecutors
8 in that role as an assistant to the prosecutor?

9 A. Could you say please help me. Generally
10 speaking, yes.

11 Q. Can you describe the type of work that
12 you do in that role?

13 A. We attend hearings. We can, as long as
14 those are related to that specific lawsuit, we can
15 ask questions to the defendants through the judge.
16 In Brazil, just a quick explanation, in Brazil the
17 judge is allowed, is entitled to deny your
18 question.

19 Q. Same thing in the U.S.

20 A. So it is not like here having a
21 deposition just before lawyers, and the Judge Moro,
22 and he is really positive on that, can deny if he
23 thinks, if he believes that those questions are
24 irrelevant or not relevant to the lawsuits, to the
25 crime that is mentioned in the complaint. So we

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2 can ask questions related to those lawsuits and
3 crimes. We can file petitions. We can even in
4 some cases appeal against the award. That is
5 generally speaking the role of an assistant.

6 Q. Focused just on the first criminal case
7 that we have identified, this is involving the
8 defendants Costa, Youssef and perhaps some other
9 individuals involving the northeast refinery, did
10 Petrobras ask any questions to the court? When I
11 say the court, I mean in connection with what you
12 have just testified to, sir?

13 MS. BENSMAN: I think it would be
14 helpful to clarify whether Petrobras is
15 actually an assistant in that case. In that
16 specific case. I think there might be some
17 confusion on that.

18 Q. Please.

19 A. This is a specific case. As I told you,
20 the crime is money laundering. The main victim of
21 money laundering is the state. Society. So in
22 this specific case we joined as an interested third
23 party.

24 The other ones where the crimes were
25 corruption or bribery, we joined as assistant, but

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2 witness to testify as to Petrobras' belief
3 that it has been overcharged and that it is
4 a victim, Petrobras' role as an assistant to
5 the prosecutor in Brazil and Petrobras'
6 attempts to seek recovery of its losses from
7 cartel companies."

8 Q. Do you understand that you are here to
9 testify with respect to topic number 4 limited by
10 the objections that Ms. Bensman just read into the
11 record?

12 A. Limited by those objections, yes.

13 Q. And what we have handed you marked as
14 Santos Exhibit 2 is a copy of a chart that you have
15 provided to us, and I appreciate your, when I say
16 you, Petrobras through Ms. Bensman, and I
17 appreciate that. I think it will help move some
18 things along.

19 Where we left off I believe is with
20 reference to the Engevix action, and I see on the
21 chart that we have been provided that there are two
22 references to Engevix. One is a criminal action
23 and one is a civil action. What is the distinction
24 between those two, if you could describe that for
25 us, sir.

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2 A. Yes. Under Brazilian law, we have some
3 acts that could be considered as a crime and as an
4 administrative misconduct. The main goal for a
5 crime is, well, to put somebody in jail to be
6 general. The main goal of an administrative
7 misconduct lawsuit is to try to recover money and
8 also impose fines and some other minor punishments.

9 As we can have both consequences to one
10 act, the federal prosecutor is entitled to file a
11 criminal lawsuit and a misconduct administrative
12 lawsuit, and that is important because we also have
13 different roles on those lawsuits. We are
14 assistant or interested third party, but let's just
15 keep here with the assistant role.

16 We are assistant on those criminal
17 proceedings with those rights that I told you. And
18 on the misconduct, administrative misconduct
19 lawsuit, we are more than just assistant. We are
20 like co-plaintiffs literally. The law says that,
21 one, a public entity can go beside, can act beside
22 the federal prosecutor. Literally that is the
23 translation.

24 Q. When you say beside, would it be fair to
25 say alongside, together with?

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2 A. Yes.

3 Q. In the Engevix administrative action,
4 who are the defendants in that action?

5 A. On the civil litigation, we have the
6 companies, and it is Engevix, its holding company,
7 Jackson, their managers and Paulo Roberto Costa.

8 Q. And Mr. Youssef as well?

9 A. Mr. Youssef is not in those proceedings
10 as he is cooperator. He is not in those
11 proceedings.

12 Q. As a cooperator, would Petrobras, I am
13 focusing on Mr. Youssef, as a cooperator, would
14 Petrobras have an opportunity to have questions
15 asked of Mr. Youssef through the federal judge?

16 A. You mean even criminal or civil?

17 Q. In the civil proceeding.

18 A. Actually, I have to explain that. Any
19 rights we have in ask the judge to ask questions,
20 to the cooperators or if non-cooperators to
21 testimony in a general way must be related to those
22 lawsuits, and you cannot just try to get them
23 information to use in another lawsuit. For
24 example, this class action. Because if you try to
25 do so, the judge will realize it and deny it as I

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2 told you previously.

3 So in these civil proceedings we are a
4 little bit far from the hearings from that moment
5 that the hearings happen, and I guess I explain to
6 you before the criminal proceedings regarding the
7 hearings.

8 Q. I got lost a little bit on the last
9 point where you said the criminal proceedings
10 regarding the hearings. I was under the impression
11 that what is the six actions on the chart that is
12 referring to the administrative hearings, those are
13 not criminal. Is that fair to say?

14 A. Those six are not criminal. Not
15 criminal.

16 Q. And Petrobras has joined those as a
17 co-plaintiff?

18 A. Yes.

19 Q. And in those six civil proceedings on
20 what we have marked as Santos 2, are there
21 defendants individuals that were former Petrobras
22 employees other than Mr. Costa?

23 A. Not in those six.

24 Q. Are there other administrative
25 proceedings where there are former Petrobras

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2 employees who are defendants, not criminal
3 proceedings, administrative proceedings?

4 A. Yes.

5 Q. What are those proceedings, sir?

6 A. You mentioned before the Odebrecht
7 administrative misconduct lawsuit. On that one,
8 Renato Duque, Pedro Barusco and Celso Araripe, they
9 are defendants alongside with Odebrecht managers
10 and some Odebrecht companies.

11 Q. Other than the six that we see on the
12 chart that is the administrative misconduct and the
13 Odebrecht proceeding that you just referenced, are
14 there any other administrative proceedings in
15 Brazil where there are former Petrobras employees
16 who are defendants?

17 MS. BENSMAN: So I think this is outside
18 the scope of the topic because if you are
19 asking about actions where Petrobras is not
20 an assistant to the prosecutor and Petrobras
21 isn't in the action attempting to seek
22 recovery of its losses, we have gone outside
23 the scope.

24 MR. KEHOE: I understood that the
25 Odebrecht proceeding Petrobras doesn't have

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2 you come upon information as to how many people
3 were arrested in connection with Lava Jato?

4 MS. BENSMAN: Objection. This is
5 completely outside the topic, and if you are
6 insisting on asking these totally irrelevant
7 questions, I am going to instruct the
8 witness not to answer.

9 Q. Mr. Vagner, are you going to answer my
10 question?

11 A. I guess I will follow the instructions.

12 Q. Do you know if the federal police --
13 well, you know that they arrested Mr. Odebrecht,
14 Marcelo Odebrecht, yes?

15 MS. BENSMAN: Mr. Kehoe, are you going
16 to continue to ask questions about who has
17 been arrested?

18 MR. KEHOE: Yes.

19 MS. BENSMAN: I already expressed that I
20 think all such questions are outside this
21 topic.

22 Q. You are trying to recover money from
23 cartel members, is that right?

24 A. Yes.

25 Q. And you are an assistant to the

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2 prosecutors to try to recover that money?

3 A. Yes.

4 Q. And you are following the developments
5 in Lava Jato, would that be fair to say?

6 MS. BENSMAN: This topic is not
7 everything that has ever happened in Lava
8 Jato, this topic is limited to Petrobras'
9 attempts to seek recovery of its losses from
10 cartel companies, and your questions are not
11 on that topic.

12 Q. So in your efforts and attempts to
13 recover money from cartel companies, do you follow
14 what is going on in Lava Jato?

15 MS. BENSMAN: Objection. Asked and
16 answered.

17 MR. KEHOE: I don't think we have gotten
18 an answer. You have instructed him not to
19 answer.

20 MS. BENSMAN: One of the first things he
21 told you is that he follows news clippings
22 that he receives.

23 Q. In your news clippings, do you follow
24 who is arrested?

25 MS. BENSMAN: To the extent that you are

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2 Soares in any way indicated that Mr. Gabrielli was
3 aware of improper payments that were made?

4 MR. BERMAN: Objection.

5 MS. BENSMAN: Objection. This is
6 outside the scope of the topics and outside
7 of the scope of what we prepared the witness
8 to testify to.

9 MR. KEHOE: Joe, could you read back the
10 question, please.

11 (Record read)

12 MS. BENSMAN: I am struggling to
13 understand how this is part of this topic.

14 MR. KEHOE: My question still stands.

15 MS. BENSMAN: I am going to instruct the
16 witness not to answer.

17 A. I will follow the instructions.

18 Q. With respect to the cartel companies, do
19 you know about how many employees of cartel
20 companies are in the complaints that Petrobras is
21 serving as an assistant to the prosecutor?

22 A. I don't know exactly how many.

23 Q. Do you have an estimate?

24 A. Those who received bribery.

25 Q. My question is do you have an estimate